

CARLYLE HARRISS'S APPEAL.

LYNCH HOWE BEGINS HIS ARGUMENT FOR A NEW TRIAL.

He Tells the Court of Appeals that Harris Was Convicted of the Murder of His Wife on Incompetent Evidence, and that the Jury Was Prejudiced by the Prosecution.

ANNAPOLIS, Dec. 6.—Only the usual number of spectators, consisting of law students, department clerks, and stray visitors, were present in the court of appeals chambers this afternoon when William F. Howe of the firm of Howe & Hummel rose to begin his argument in the appeal of the conviction of Carlyle W. Harris for the murder of his wife. Mr. Howe and District Attorney George L. Howe had been waiting ever since the court had opened. Two real estate cases had got on the day's calendar ahead of them. When these were finished Mr. Howe began.

"May it please the court, this is an appeal from a decision of the Court of General Sessions in New York city on a conviction of murder in the first degree, upon which my client, Carlyle W. Harris, was sentenced to death by electricity. The case was one simply of circumstantial evidence, and that of the weakest kind. The evidence presented to the jury was incompetent evidence for the purpose of prejudicing the jury. I would call your attention to the opinion of Judge Earl in the case of the People ex. Greenwald, wherein it is stated that a person on trial for his life is entitled to the advantage which the law gives him, and among them the right to have his case argued to an impartial jury upon competent evidence.

"That was the language in the Greenwald opinion, and I invoke the principle in this case. I shall show that in this case conviction was secured by the use of incompetent evidence, and that the jury was prejudiced by the prosecution. The evidence presented a case where the defendant was convicted of the highest crime known to the law upon circumstantial evidence, which of itself was clearly insufficient to sustain a conviction. The case was brought about by prejudice created in the minds of the jury by proof of acts and circumstances which were not competent evidence in the indictment, under the guise of long and tedious testimony, and the use of long and tedious testimony to show motive on the part of the defendant.

"The defendant was a medical student, and was about to graduate when charged with this crime. He was a young man, and was married to a woman to whom he had been secretly married. She was a woman of the name of Mary, and was living at 21 West Forty-third street. She had complained of illness, and the defendant had been attending her. On the night of the 21st of October, 1891, she was found dead in her bed. The defendant was arrested on the 22nd of October, and was held in custody. He was brought to the court of general sessions on the 23rd of October, and was tried by a jury. The jury found him guilty of the murder of his wife, and sentenced him to death by electricity. The case was appealed to the court of appeals, and the court of appeals affirmed the conviction of the court of general sessions.

"The court of appeals, in its opinion, stated that the evidence was sufficient to sustain a conviction. I would call your attention to the fact that the evidence was not sufficient to sustain a conviction. The evidence was circumstantial, and was of the weakest kind. The evidence was prejudiced by the prosecution. The evidence was incompetent evidence for the purpose of prejudicing the jury. I would call your attention to the opinion of Judge Earl in the case of the People ex. Greenwald, wherein it is stated that a person on trial for his life is entitled to the advantage which the law gives him, and among them the right to have his case argued to an impartial jury upon competent evidence.

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HAVER'S DEFENSE ENDED.

Among the Bostonians as "Crazy Frank."

The trial of Canal Boat Capt. Kinney Haver for the murder of his wife was continued yesterday in the Hudson county Court of Oyer and Terminer, Jersey City. Messrs. Simpson and Farley, counsel for the defense, introduced about a dozen witnesses, who testified that Haver was a sane man, and that he was not guilty of the murder of his wife. The defense was continued until 10 o'clock this morning.

THE HOSPITAL A MENACE TO HEALTH.

Post Graduate Medical School's Right to Its New Site Questioned.

Daniel Kilmartin obtained from Judge Blodgett of the Court of Common Pleas yesterday an order, returnable on Monday, against the Post Graduate Medical School, and the Hospital, to show cause why it should not be enjoined from proceeding with the erection of its new building on the northeast corner of Twentieth street and Second avenue.

Kilmartin, who does a roofing business, owns the property 304 East Twentieth street. The corner stone for the building, which is to be a plot 100x100 feet, was laid a few days ago. It is to cost \$250,000. The property had been under a restrictive covenant, and since passed in pieces to different parties. The defendant, Kilmartin, is a man of the name of Kilmartin, and is a man of the name of Kilmartin. He is a man of the name of Kilmartin, and is a man of the name of Kilmartin.

NOT A FIRE RUC, BUT A THIEF.

Diego Lando's Love of Comfort Led to His Detention for Robbery.

Angelo Lando and his wife live in the tenement at 35 Crosby street. Lando's brother Diego boarded with them. Both men are well known to the police. Lando is a man of the name of Lando, and is a man of the name of Lando. He is a man of the name of Lando, and is a man of the name of Lando.

ENRIQUE BREGAZO A SUICIDE.

Awakened His Wife of a Year with the Enquiry of What She Had Done for Him.

Enrique Bregazo, a commission merchant, 40 years old, committed suicide yesterday morning in his apartments in the San Remo, Seventy-fifth street and Eighth avenue, by shooting himself in the head. Mr. Bregazo was born in Genoa and had come to this country nine years ago from the West Indies. He had been married to a woman of the name of Bregazo, and was a man of the name of Bregazo.

A DIBASTROUS BLAST.

Three Up-town Houses Felled Yesterday With a Shower of Rock.

Contractor Leahy is grading 100th street, between Boston and Forest avenues. His work includes the removal of ten or twelve feet of street in all with his large concrete power drill. Workmen had sunk a row of drill holes in the rock, and yesterday morning the holes were charged with dynamite and fired by electricity. The result was disastrous, and a shower of rock was sent flying through the air. Three houses were felled by the blast, and a number of people were injured.

WORD AND LETTER INSPIRED.

DR. BIRCH ASSAULTS THE HIGHER CRITICISM OF THE BIBLE.

He Charges Prof. Briggs with Trying to Destroy the Foundations of Presbyterian Standards, and Declares that He Has Been Charged with Heresy by the Synod.

Before Chairman C. W. F. Birch of the Committee of Prosecution resumed his argument at the trial of Prof. Briggs for heresy yesterday afternoon a half was wasted over the vexed question of admitting to the roll the names of members of the Presbytery who had been convicted of heresy. The Rev. Dr. Birch, who is a man of the name of Birch, and is a man of the name of Birch.

THE TRIAL OF PROF. SMITH.

Use of the Words "Pious Fraud" Stirs Up a Storm-Dr. Lowe's Bitter Speech.

CINCINNATI, Dec. 6.—At the session of the Presbytery in the Smith heresy trial today the Rev. A. C. McGufford offered a protest against the ruling of the Moderator, whereby the printed response of Prof. Smith was ruled to be in order. The Rev. Dr. McGufford's protest was a bitter one, and he charged the Moderator with being a "pious fraud." The Moderator, in response, declared that he was not a "pious fraud," and that he was a man of the name of McGufford.

THE POLICE STILL AFTER HARRY HILL.

The Residents of Ozone Park, who were in Opposition to Richard Hill, son of Harry Hill, who wanted to open a saloon in this village, have won the fight.

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THE NORMANIC BRIGS A MENAGERIE.

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FUNERAL OF COMMANDER HITCHCOCK.

An Escort of 250 Men Accompany the Remains to the Church.

The funeral of Naval Commander Roswell Dwight Hitchcock at the Madison Square Presbyterian Church yesterday afternoon was conspicuous for the honors accorded to a naval officer of his rank. An escort of 250 men, under Commander George E. Ide and headed by the Chicago band, preceded the hearse from the house of the dead man's mother, at 44 West Twentieth street, where Commander Hitchcock died, to the church. The escort's flag was furled and was draped with crepe. The hearse was immediately followed by eight body bearers, and then by the Chicago band. After them came carriages containing the pall bearers and mourners. The pall bearers were Lieutenant-Commander H. B. Mansfield, Commander George M. Hook, Commander C. M. Thomas, Chief Engineer T. J. Allen, Paymaster John Hines, Commander W. H. H. Hines, and others. The funeral was a grand one, and the remains were buried in the city of New York.

DEATH OF JAMES H. L'HOMEDEU.

Efforts to Reach One of His Sons, Who is in the West, by His Brother, have Failed.

LAUREL, N. J., Dec. 6.—James H. L'Homeheu, a well-known lumberman, died yesterday at his home in Laurel, N. J. He was 60 years old. He was a man of the name of L'Homeheu, and is a man of the name of L'Homeheu.

LETTERS FROM FUGITIVE SINCLAIR.

He is in Montreal to Live Ample, and the Armour Company is Suing Him.

The Armour Packing Company has brought action in the Supreme Court to recover \$15,000 from Charles G. Sinclair, known also as George H. Saunders, for several years cashier of its office in Manhattan. The company claims that Sinclair embezzled the money, and that he is now in Montreal, where he is living a comfortable life.

ALL ABOUT THE BIG BRIDGE.

41,672,800 Passengers During the Year-1,009,027 Crossed in Columbus Week.

Bridge President James Howell's report for the year ending Dec. 1 has been submitted to the Mayors of both cities. The report shows that during the year 41,672,800 passengers crossed the bridge, and that 1,009,027 crossed during Columbus week. The report also shows that the bridge is in good condition, and that the company is well prepared for the future.

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LET OUT OF THEIR PRISON.

LA BRETAGNE'S PASSENGERS LANDED AFTER TWO DAYS.

The United States appear to have doubts about the truthfulness of the story of the passengers of the French line steamship La Bretagne who were permitted to land yesterday afternoon after spending two nights under the rays of the bronze French woman who is supposed to trify the sisterly regard of the two greatest republics. Ships of other nations, notably the National liner America, were allowed to come up with their hundreds of immigrants. La Bretagne's cabin passengers, including many Americans, suffered detention on account of a technicality. At least, that is what an interview with Assistant Secretary of the Treasury Spaulding indicates. He said that the National liner America was allowed to come up with their hundreds of immigrants. La Bretagne's cabin passengers, including many Americans, suffered detention on account of a technicality.

NO DIAMONDS IN THE PACKAGES.

Tiffany and Johnson Get Back Damages from Bonnville.

A new chapter was added yesterday to the story of Jeweller Forrest, who was arrested in connection with the case of the stolen diamonds. The diamonds were found in the packages of the French line steamship La Bretagne. The diamonds were found in the packages of the French line steamship La Bretagne. The diamonds were found in the packages of the French line steamship La Bretagne.

FAILURES, STYLE OF 1892.

Zeimer Left the Hot Store in His Store but Carried Off the Movie.

Deputy Sheriff Mulvaney received yesterday an execution for \$2,653 against Sidney W. Zeimer, dealer in artificial flowers and feathers, in favor of S. Zeimer & Faldstein for goods sold. When the Sheriff arrived there he found that nearly all the stock had been removed. The Sheriff was unable to find the stock, and the case was dismissed.

TWO POLICE CAPTAINS TRANSFERRED.

The Reasons Not Made Public—Three Captains to Be Filled.

On President Martin's motion and at the request of the Corporation of the City of New York, Capt. Timothy J. Creeden of the Mercantile station, and Capt. William R. Haughey were ordered by the Police Board yesterday to exchange commands. Superintendent Byrne was ordered to fill the position of Capt. Creeden, and Capt. Haughey was ordered to fill the position of Capt. Byrne. The reasons for the transfer were not made public.

COAST OF FARDON COMMITTEE WILL VISIT THE BAY OF ST. LOUIS.

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